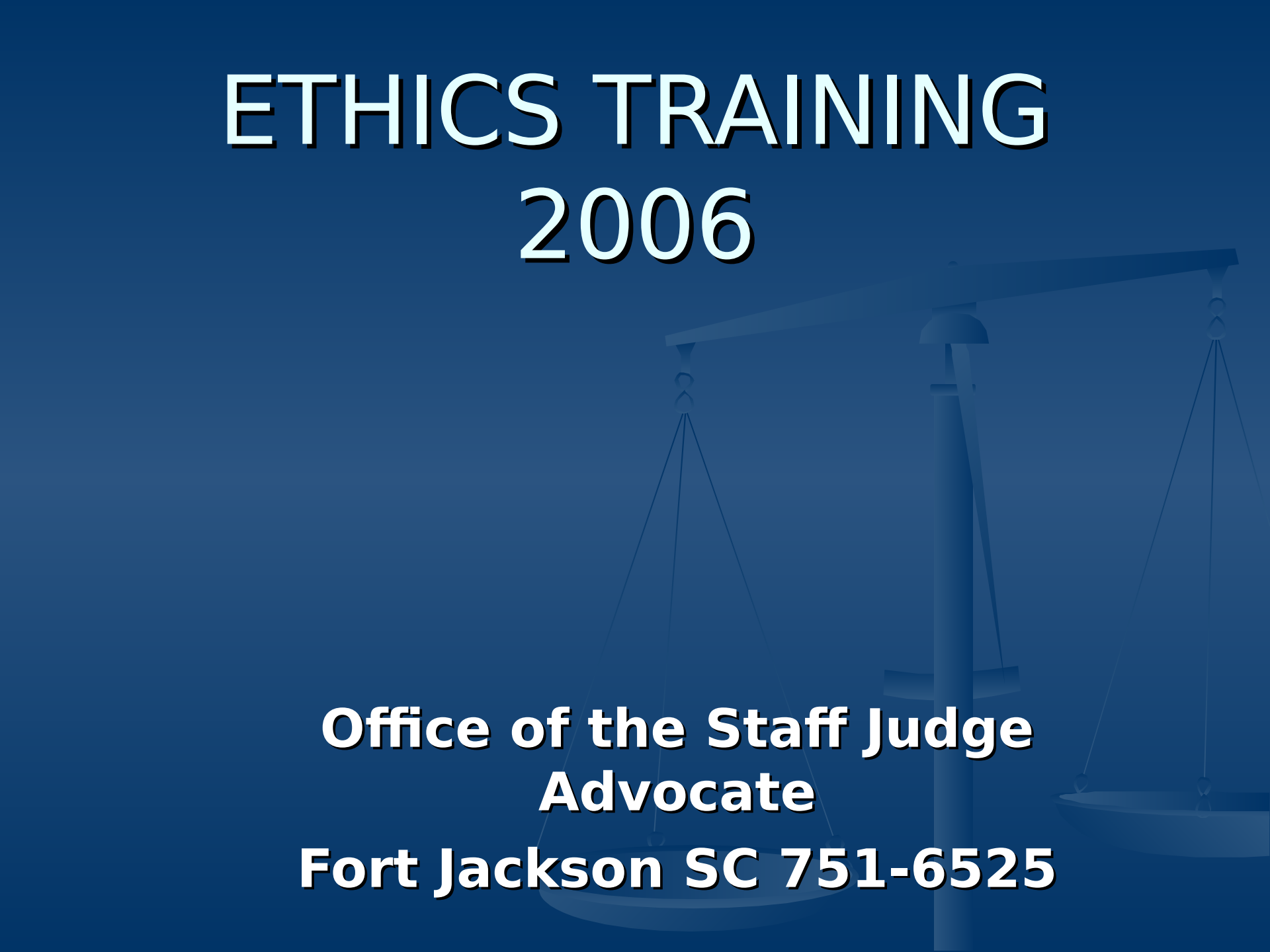
ETHICS TRAINING 2006



Office of the Staff Judge Advocate

Fort Jackson SC 751-6525

DISCUSSION TOPICS

- What forms the Ethics Rules and the Code of Ethics – 14 Principles
- Use of Communications Equipment
- Use of Other Government Property
- Family Readiness Groups
- Personal and Official Participation in Private Organizations
- Military Balls
- Post-Government Employment

CODE OF ETHICS

PRINCIPLES OF ETHICAL CONDUCT

1. Public Service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.

3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

4. An employee shall not, except as [provided for by regulation], solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

5. Employees shall put forth honest effort in the performance of their duties.

6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.

7. Employees shall not use public office for private gain.

8. Employees shall act impartially and not give preferential treatment to any private organization or individual.

9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those--such as Federal, State, or local taxes--that are imposed by law.

13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective or a reasonable person with knowledge of the relevant facts.

USE OF GOVERNMEMNT COMMUNICATIONS EQUIPMENT

ETHICS PRINCIPLES

- Public service is a public trust (#1)
- Duty to protect and conserve Government property (#9)
- Government resources may only be used for authorized purposes (#9)

OFFICIAL AND AUTHORIZED USE ONLY

- Official and Authorized Use only
- Telephones
- Fax Machines
- Computers
- E-mail
- Internet

OFFICIAL USE

- Communications that are necessary in the interest of Government
- Emergency communications
- Morale and welfare communications (extended deployments)

AUTHORIZED USE

- Personal communications from office
  - Does not adversely affect official duties
  - Reasonable duration and frequency
  - Legitimate public interest
  - Does not reflect adversely on DOD
  - Does not overburden communications system
  - Creates no significant additional cost
- Brief calls home while TDY (transportation and schedule changes)

CELL PHONES

- Official Use
- Limited Authorized Use Permissible under AR 25-1 (15 Jul 05) – land line “wired” phone must not be available

E-MAIL AND INTERNET

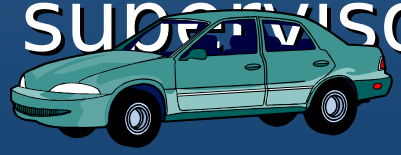
- Official Use
- Authorized Use
  - Brief internet searches
  - E-mailing directions to visiting relatives
  - Scheduling doctor or home repair appointments
- Authorized use may not interfere with official duties or undermine readiness
- May not overburden communications system
- **ALWAYS** Check **LOCAL** POLICY!

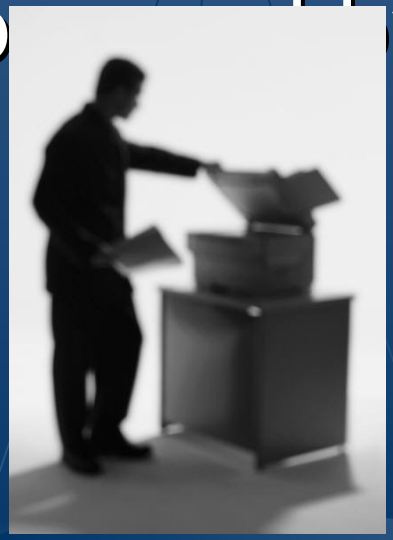
No No's!

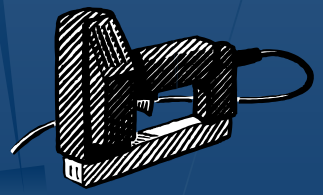
- Pornography or obscene material
- Copyright infringement (such as the sharing of copyright material by means of peer-to-peer software)
- Gambling
- Unofficial advertising, soliciting, or selling except on authorized bulletin boards established for such use
- Chain letters
- Inappropriately handled classified information

USE OF OTHER GOVERNMENT EQUIPMENT

- Use other Federal Government equipment and property only for official purposes or authorized purposes as ap[illegible]y your supervisor.







FAMILY READINESS GROUPS

FAMILY READINESS GROUPS

- Recent Policy Changes
- Family Readiness Groups (FRGs) are official “command sponsored” Army programs
- Primary purposes of FRGs:
  - Disseminate information
  - Ensure personal and family readiness
  - Provide mutual support and assistance

OFFICIAL SUPPORT FOR FRGs

- Appropriated funds are authorized for FRG mission activities
- Government office space and equipment may be used for FRG mission activi

FUNDRAISING

- **FRGs have limited fundraising authority**
- **FRGs may create informal funds**
- **Members of FRGs may only fundraise for informal funds among their own members**
- **What does this mean? On-post fundraising only**

OFFICIAL AND PERSONAL PARTICIPATION IN PRIVATE ORGANIZATIONS

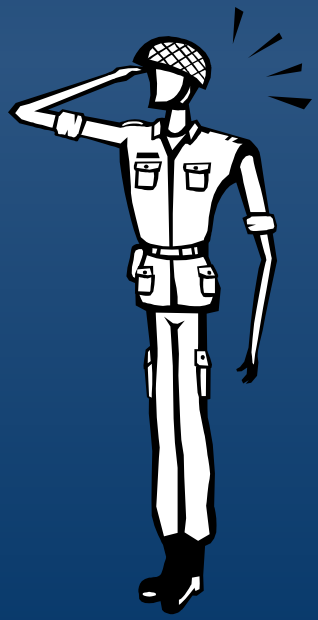
What are Private Organizations?

- Regimental Associations e.g., Finance Corps Regimental Association, National Infantry Association, etc.
- Officer and Enlisted Groups, Spouses' Groups (NCOA, OCSC, etc.)
- Common interest – hobby groups (Riding Club, Flying Club)

ETHICS PRINCIPLES

- No Preferential Treatment to any Non-Federal Entity (NFE) (#8)
- Do not misuse public office for private gain (#7)
- Government resources may only be used for authorized purposes (#9)
- Avoid conflicts of interest (#2)

OFFICIAL PARTICIPATION IN POs / NFEs



ATTENDANCE IN AN OFFICIAL CAPACITY

A supervisor (officer or employee above GS-11) may permit DOD employees to attend meetings, conferences, seminars sponsored by private organizations *if* there is a legitimate Government purpose

PROVIDING SPEAKERS & PANEL MEMBERS

A Commander or head of an Army organization may provide DOD employees in their official capacities to speak at private organization events.

- ***But*, rules apply**
- **Contact your ethics counselor**

OFFICIAL MANAGEMENT PROHIBITED

- **General rule: NO participation in the management of a private organization as part of official duties - includes membership drives/fundraising**
- **Secretary of the Army permission required**
- **Commanders may appoint liaisons to represent ARMY interests – NO membership drives/fundraising**

OFFICIAL ENDORSEMENTS

Endorsement of a private organization event, product, service may not be stated or implied by soldiers or DA civilians in their official capacities

A FEW exceptions, e.g., CFC, AER

Cautions

- Care should be taken, particularly with large and well-established organizations that have a strong “military” feel
- Remember not to “selectively” endorse or favor these organizations, but commanders may encourage Soldiers to generally be involved in community groups

PERSONAL PARTICIPATION IN PRIVATE ORGANIZATIONS

PERSONAL PARTICIPATION

- Soldiers and Army civilians may join, participate in, or hold office in POs or other NFEs in their personal capacities

- When participating in POs or other NFEs, Soldiers and Army civilians must act ***exclusively*** outside the scope of their official positions

PERSONAL PARTICIPATION

- Soldiers and Army civilians may not use official titles/positions/organization names in connection with private organization or NFE activities
- Exception: A Soldier may use his/her grade and military department as part of his/her name (e.g., Major Smith, U.S. Army) ***But,*** cannot use title or position to induce or coerce others to join

You Make the Call!

A Soldier has been asked by his college to serve on the Alumni Association

Is this permissible?

ANSWER

- He may serve in his personal capacity.
- But, he may not allow his position, duty address, or duty phone number be used on the college letterhead or other promotional literature.
- Must participate on own time and at own expense.

You Make the Call!

COL Hoohah is a member of an organization called “Support Your Army.” “Support Your Army” wants to use the post auditorium for a presentation. COL Hoohah decides to submit the request using his official position (Chief of Staff) and rank.

Is this permissible?

ANSWER

Inducement or coercion of benefits.

An employee, to include all Soldiers, shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or *persons with whom the employee is affiliated in a nongovernmental capacity*.

NO MEMBERSHIP OR POSITION IF OFFERED DUE TO OFFICIAL POSITION

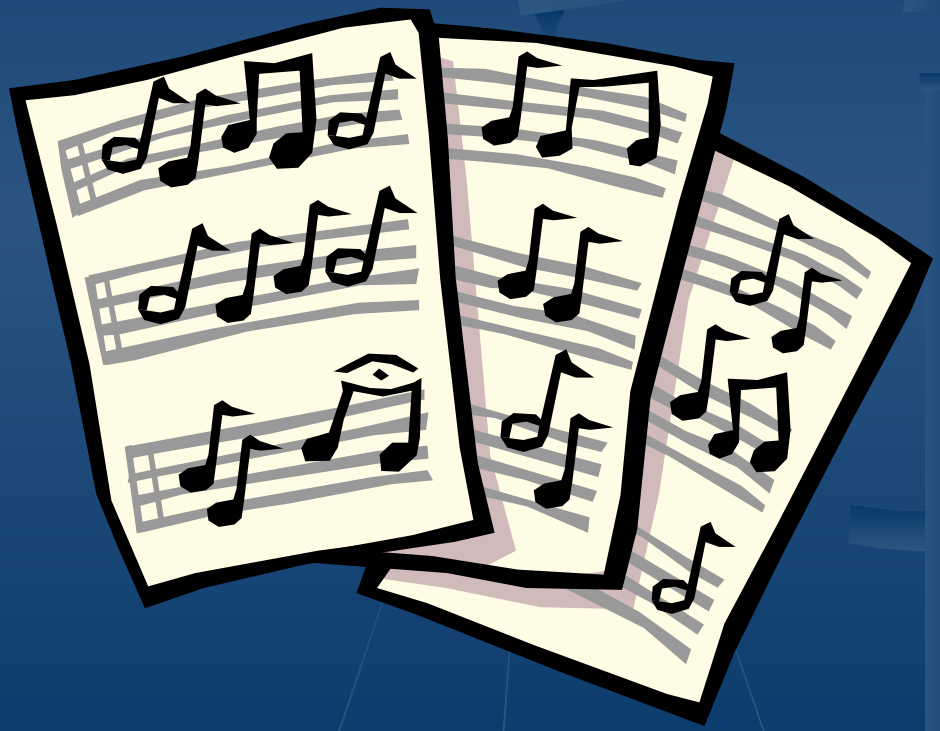
- Membership or position in a PO may not be accepted if it was offered because of an employee's official position

NO SOLICITATION

- **Army personnel may not solicit subordinates or prohibited sources (e.g. contractors) in PO fundraising campaigns or membership drives**
- **Army personnel may not permit the use of their names in a PO solicitation that targets subordinates or prohibited sources**

CONFLICTS OF INTEREST PROHIBITED

- An employee who is an officer, director, or employee of a private organization may not participate in official DOD matters involving the organization
- Employees may not represent a private organization to the Government
- *Limited* Exception: uncompensated representation for certain nonprofit professional, recreational, and similar organizations composed of DOD members/family

MILITARY BALLS

PRIVATE ORGANIZATION EVENTS

- **Military balls are often sponsored by private organizations (PO)**
- **If sponsored by a PO, they are *not* official events**
- **Official endorsements of PO military balls is prohibited**
- **No official endorsement of fundraising for private organization military ball**
- **Logistical support *may* be provided if consistent with the JER**

PERSONAL /OFFICIAL PARTICIPATION

- **Participation in a PO military ball is normally in a PERSONAL capacity**
- **Personal participation must be voluntary**
- **Wear of uniform possible, obtain determination from an ethics counselor**
- **OFFICIAL participation may be authorized e.g., as a speaker, if there has been a determination of agency interest**

Seeking Employment

Applicable

- Procurement Integrity Act
- 18 U.S.C. Section 208
- Joint Ethics Regulation
- Standards of Ethical Conduct for Executive Branch Employees
- Reporting Requirements, Procurement Integrity Act

Seeking Employment
Conflicts of Interest

- You may **not** take any official action that affects a company with which you are negotiating for employment or have an arrangement concerning prospective employment
- JER 5-301 applies to National Guard and enlisted personnel

18 U.S.C. § 208
5 C.F.R. § 2635.402

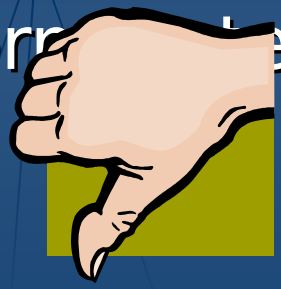
“Seeking Employment”

- 5 C.F.R.2635.603(b)
- You are “seeking employment” when you:
  - engage in negotiations
  - make unsolicited employment contact
    - includes sending resume
    - excludes requesting job application
  - respond to unsolicited proposal (except unconditional re

Termination of Seeking Employment

You are no longer “seeking employment” when:

- either party rejects proposal and discussions have terminated, or



- two months have passed after mailing resume and no response

Disqualification

To avoid violation:

- Take no action
- Written notice to supervisor (JER 2-204)
- Supervisor response:
  - Written
  - Recusal
  - Copy to Ethics Counselor & subordinates

Post-Government Employment

Post-Government Employment Restrictions

Representational Restrictions

18 U.S.C. § 207

Prohibits representing another before U.S. Government with intent to influence

- Lifetime ban
- 2-year ban
- 1-year cooling-off period for senior employees
- 1-year ban on senior employees representing foreign entities

RECAP

- Prohibitions found in ethics and procurement laws and regulations may prevent a Soldier or civilian employee from receiving compensation from a particular contractor after his or her government service
- While it may be permissible for a Soldier or civilian employee to work for a particular contractor, it may be impermissible to work on a particular contract or in a particular segment of a contractor's operations

CONCLUSION

- **Play it safe – ask your ethics counselor BEFORE taking any action**
- ***Call 751-6525***
- ***http://www.jackson.army.mil/sja/admin.htm***
- **www.hqda.army.mil/ogc/eandf.htm**
- **www.jagcnet.army.mil**
  - **Office of Army General Counsel (Ethics & Fiscal)**
  - **Army Standards of Conduct Office**

Questions?